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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------|-------------|----------------------|----------------------|------------------|
| 10/733,111 | 12/11/2003 | Robert A. Pyles | PO-8028/MD-03-34 | 7891 |
| 157 | 7590 | 03/17/2006 | EXAMINER | |
| BAYER MATERIAL SCIENCE LLC 100 BAYER ROAD PITTSBURGH, PA 15205 | | | EINSMANN, MARGARET V | |
| | | | ART UNIT | PAPER NUMBER |

1751

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/733,111 | Applicant(s) PYLES ET AL. | |
| | Examiner Margaret Einsmann | Art Unit 1751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) 14 and 22-27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/08/05</u> . | 6) <input type="checkbox"/> Other: ____. |

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/8/05 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-13, 15-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Bayer Polymers LLC, WO03/083207.

Bayer teaches a process of dyeing a molded article which entails immersing at least a portion of the article in a dyeing bath, retaining the portion in the bath for a period of time sufficient to allow an amount of dye to diffuse into the article, and removing said article from the bath. The bath contains a dye, water, a plasticizing agent and a leveling agent. See abstract. The dyes used are listed on page 6 line 13 et seq and include disperse azo, diphenylmethane and anthraquinone as claimed. The surfactants are listed on page 7 and include anionic and nonionic surfactants as claimed. The plasticizer is of formula listed as © on page 5 and the leveling agent is the formula listed as d on page 5. Both overlap with the dyebath additives (the carrier and diol) claimed in this application. See Table 1 on page 10 wherein ethylene glycol butyl ether (5% to 20%) and diethylene glycol (2.5% to 10.0%) are used together to dye molded polycarbonate articles in examples 1-4. Note that examples 1-10 in applicant's specification use the same two dye auxiliaries to dye polycarbonate test specimens. The temperature of the dyebath was 95° C. See page 9. Patentee states on page 2 lines 14 et seq that the molding compositions useful for molding the plastic articles may contain metal flakes, pigments, pigments, PMA minispheres, UV stabilizers and thermal

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stabilizers as claimed. Accordingly since all of the limitations of the claims are described, the claims are anticipated.

Claims 1-13, 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Pyles et al., US 6,733,543 B2 or its corresponding publication US2003/182738.

Pyles et al., US 6,733,543 B2 teach a process of dyeing a molded article which entails immersing at least a portion of the article in a dyeing bath, retaining the portion in the bath for a period of time sufficient to allow an amount of dye to diffuse into the article, and removing said article from the bath. The bath contains a dye, water, a plasticizing agent and a leveling agent. See abstract. The disperse dyes used are listed in col 4 lines 12-22. line 13 et seq and include disperse azo, diphenylmethane and anthraquinone as claimed. The surfactants are listed in col 4 lines 43 et seq. and include anionic and nonionic surfactants as claimed. The plasticizing agent is of the formula listed as c) and the leveling agent listed as d) in col 3 and overlap with those claimed in this application. See Table 1 in col 6 wherein ethylene glycol butyl ether (5% to 20%) and diethylene glycol (2.5% to 10.0%) are used together to dye molded polycarbonate articles in examples 1-4. Note that examples 1-10 in applicant's specification use the same two dye auxiliaries to dye polycarbonate test specimens. The temperature of the dyebath was 95° C. See col 5 line 45. Patentee states in col 2 lines 34 et seq that the molding compositions useful for molding the plastic articles may contain metal flakes, pigments, pigments, PMA minispheres, UV stabilizers and thermal

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stabilizers as claimed. Accordingly since all of the limitations of the claims are described, the claims are anticipated.

Claims 1,2,4-6,11-13,20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Showa Denko Ltd., JP 04-57977. Showa discloses a method of coloring plastic lens by immersing in dispersed dye aqueous solutions comprising 1-50 parts by weight of one or more carriers selected from those of general equations I and II. See page 1 of the Japanese patent for the formulae and English translation page 1-2 under scope of the patent. The list of carriers include applicant's claimed carrier of formula I and applicant's claimed diol. See page 4 of the English translation. The plastic lens are composed of the resins listed at the top of page 6 of the English translation. Accordingly the material limitations of the claims are met.

Allowable Subject Matter

Claims 14, 22-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No art was found to reject the above claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-

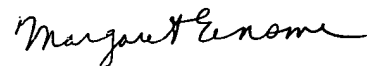
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272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-W and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 15, 2006



Margaret Einsmann
Primary Examiner
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